

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 6/28/2012

Action Requested By:  
Legal

Agenda Item Type  
Resolution

Subject Matter:

Redstone Gateway EUL

Exact Wording for the Agenda:

Resolution authorizing the Mayor to execute Modification No. 2 to Supplemental Development Agreement TIF5 Series 2012-B between the City of Huntsville and LW Redstone Company, LLC. (City Attorney)

**Note: If amendment, please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head 

Date: 6-28-12

**RESOLUTION NO. 12-\_\_\_\_\_**

**BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, that the Mayor be, and he is hereby authorized to enter into a Modification No. 2 to Supplemental Development Agreement by and between the City of Huntsville and LW Redstone Company, LLC, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama, which said agreement is substantially in words and figures similar to that certain document attached hereto and identified as "Modification No. 2 to Supplemental Development Agreement TIF5 Series 2012-B between the City of Huntsville and LW Redstone Company, LLC," consisting of two (2) pages and the date of June 28, 2012, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, an executed copy of said document being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

**ADOPTED** this the 28th day of June, 2012.

\_\_\_\_\_  
President of the City Council of  
the City of Huntsville, Alabama

**APPROVED** this the 28th day of June, 2012.

\_\_\_\_\_  
Mayor of the City of  
Huntsville, Alabama

STATE OF ALABAMA  
COUNTY OF MADISON

)  
)

**MODIFICATION NO.2 TO THE  
SUPPLEMENTAL DEVELOPMENT AGREEMENT  
TIF5 – Series 2012-B TO ANNEXATION AND  
DEVELOPMENT AGREEMENT BETWEEN THE  
CITY OF HUNTSVILLE AND LW REDSTONE  
COMPANY, LLC AS ADOPTED AND APPROVED  
BY RESOLUTION No. 12-428 ON MAY 24, 2012 AND AS  
MODIFIED BY RESOLUTION No. 12-479 on JUNE 14, 2012**

**MODIFICATION No. 2**

Pursuant to Section 7.3 of the Annexation and Development Agreement dated March 25, 2010, ("Agreement"), between THE CITY OF HUNTSVILLE, ALABAMA, a municipal corporation organized and existing pursuant to the laws of the State of Alabama ("City") and L W REDSTONE COMPANY, LLC, a Delaware limited liability company ("Owner"), City and Owner enter into this Modification No.2 to the Supplemental Development Agreement TIF5-Series 2012-B which was previously adopted and approved on May 24, 2012, and modified on June 14, 2012, and hereby provide more specifically for the obligations of City and Owner.

Modifications to Scope of Work and allocations within the \$3,000,000 Maximum Amount of the prior Supplemental Development Agreement referenced above are as follows:

1. Within Section B. the amount originally budgeted and allocated for the contract with Reed Contracting Services, Inc. for Redstone Gateway, Package 1F-1 Redstone Gateway Extension, Market Street and Overlook Road relocation, Project No. 65-11-SP22, was \$5,439,774.32. The original contract was originally adopted and approved by City of Huntsville Resolution No. 12-75 in the amount of \$ 5,329,872.00 which was funded by multiple SDA's, \$2,000,000 from 2010-A, \$1,000,000 from 2010-B, and \$2,329,872 from 2012-A. It was later modified by Change Order No. 1, in the amount of \$109,902.32 which was adopted and approved by Resolution No. 12-211 and was funded by SDA 2010-B. Change Order No. 2, in the additional amount of \$498,225.81, will incorporate Package 1F Revision 1 modifications for mass grading, critical pad delivery, fine grading, erosion control, and storm system and Field Directive #1 to add a casing around the existing sanitary sewer under Culvert W. Therefore, in order to fund Change Order No. 2, the amount of \$498,225.81 will be transferred from the category in Section B. OWNER IMPROVEMENTS, the subsection entitled: "ENGINEERING AND CONSTRUCTION COSTS TO BE DETERMINED."
2. Within Section B. OWNER IMPROVEMENTS, the subsection entitled "ENGINEERING AND CONSTRUCTION COSTS TO BE DETERMINED," the amount of \$1,441,757.92 allocated and budgeted for undefined engineering and construction costs is hereby decreased by \$498,225.81 to \$943,532.11.

All other terms and conditions of the SDA TIF5-SERIES 2012-B remain unchanged.

(Signatures on following page)

\_\_\_\_\_  
President of the City Council of the  
City of Huntsville, Alabama  
Date:\_\_\_\_\_

IN WITNESS WHEREOF, the Parties hereto have duly executed this Agreement.

("OWNER")  
L W REDSTONE COMPANY, LLC

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF MARYLAND       )  
COUNTY OF HOWARD       )

I, the undersigned, a Notary Public in and for said County and in said State, hereby certify that \_\_\_\_\_, as \_\_\_\_\_, of LW Redstone Company, LLC, a Delaware corporation, is signed to the foregoing document, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, (s)he, as such officer and with full authority, executed the same for and as the act of said corporation on the date the same bears date.

GIVEN under my hand and official seal this the \_\_\_\_ day of \_\_\_\_\_, 2012.

(SEAL)

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

THE CITY OF HUNTSVILLE, ALABAMA,  
A municipal corporation

By: \_\_\_\_\_  
Tommy Battle  
Its: Mayor

ATTEST:

\_\_\_\_\_  
Charles E. Hagood  
Clerk-Treasurer

STATE OF ALABAMA       )  
COUNTY OF MADISON       )

I, the undersigned, a Notary Public in and for said County and in said State, hereby certify that Tommy Battle and Charles E. Hagood, as Mayor and City Clerk-Treasurer, respectively, of the City of Huntsville, Alabama, a municipal corporation, are signed to the foregoing document, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, as such officers and with full authority, executed the same for and as the act of said corporation on the date the same bears date.

GIVEN under my hand and official seal this the \_\_\_\_ day of \_\_\_\_\_, 2012.

(SEAL)

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

# ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Legal

Council Meeting Date: 6/28/2012

Department Contact: Peter Joffrion

Phone # 427-5026

Contract or Agreement: Mod. 2 to SDA TIF5 Series 2012-B

Document Name: Mod. 2 to SDA TIF5 Series 2012-B

City Obligation Amount:

Total Project Budget:

Uncommitted Account Balance:

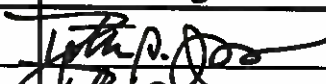


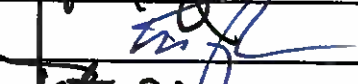

Account Number:

## Procurement Agreements

<u>Not Applicable</u>	<u>Not Applicable</u>
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## Grant-Funded Agreements

<u>Not Applicable</u>	Grant Name:
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Department	Signature	Date
1) Originating		6-25-12
2) Legal		6-25-12
3) Finance 		6/26
4) Originating		6-25-12
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		